

Montana Department of Natural Resources and Conservation  
Water Resources Division  
Water Rights Bureau

**ENVIRONMENTAL ASSESSMENT**  
**For Routine Actions with Limited Environmental Impact**

**Part I. Proposed Action Description**

1. Applicant/Contact name and address: Brad Nussbaum  
303 Wintergreen Lane  
Bozeman, MT 59715
2. Type of action: Application for beneficial water use permit 30026478-43A
3. Water source name: Cole Creek
4. Location affected by project: NENWNW, Sec. 21, T4N, R9E, Park, Co.
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: The applicant is creating a fish pond from Cole creek. To make up for evaporation and adverse affect the applicant has chosen to create a change application #30026477-43A. The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311 MCA are met.
6. Agencies consulted during preparation of the Environmental Assessment:  
(include agencies with overlapping jurisdiction)  
Natural Heritage Program, Montana Dept. of Fish, Wildlife & Parks, Montana Dept. of Environmental Quality, Park County Planning Office, State Historic Preservation Office, National Park Service

**Part II. Environmental Review**

**1. Environmental Impact Checklist:**

**PHYSICAL ENVIRONMENT**

**WATER QUANTITY, QUALITY AND DISTRIBUTION**

**Water quantity** - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

*Determination:* measurements have been taken and a signed affidavit was received identifying flows that occur in Cole Creek.

**Water quality** - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

*Determination:* Cole Creek is not listed as impaired or threatened by DEQ standards, it is unknown if the project will affect water quality.

**Groundwater** - Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

*Determination:* This project does not include groundwater as a source.

**DIVERSION WORKS** - Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.

*Determination:* The diversion works will include a headgate and a pipeline into the pond and a pipeline exiting the pond back into Cole Creek. Impacts are poorly identified and unknown at this time.

#### **UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES**

**Endangered and threatened species** - Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."

*Determination:* The Montana Natural Heritage Program was contacted. The Canada Lynx and Brown Bear may be found within the NW Sec 9 T9S R9E. These animals should not be impacted by another house in this existing town.

**Wetlands** - Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.

*Determination:* No wetlands have been identified in the project area.

**Ponds** - For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.

*Determination:* This project will create two (2) ponds. One pond is for 5.6 acre-feet the other 13.5 acre-feet. The purpose is for fisheries and is unknown if impacts will occur.

**GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE** - Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.

*Determination:* No saline seeps have been identified in the project area.

**VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS** - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

*Determination:* There is a chance during excavation and if the pond goes dry weeds could populate.

**AIR QUALITY** - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

*Determination:* No impacts to air quality have been identified.

**HISTORICAL AND ARCHEOLOGICAL SITES** - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.*

*Determination:* Since these ponds have been built SHPO has concluded that any historic or archaeological sites that may have been in the area have already been impacted.

**DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY** - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

*Determination:* No impacts identified.

Evaporation from the ponds will occur creating a slight reduction in return flow.

## HUMAN ENVIRONMENT

**LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS** - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

*Determination:* No Impacts identified.

Park County does not regulate against ponds.

**ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES** - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

*Determination:* No impacts identified.

The project is not located near a wilderness, recreation area

**HUMAN HEALTH** - *Assess whether the proposed project impacts on human health.*

*Determination:* No impacts identified.

Pathogen are known to occur in stagnate water. These ponds are flow-through.

**PRIVATE PROPERTY** - *Assess whether there are any government regulatory impacts on private property rights.*

*Yes\_\_\_ No\_n\_\_ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.*

*Determination:*

**OTHER HUMAN ENVIRONMENTAL ISSUES** - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

*Impacts on:*

- (a) Cultural uniqueness and diversity? No impacts identified
- (b) Local and state tax base and tax revenues? No impacts identified
- (c) Existing land uses? No impacts identified
- (d) Quantity and distribution of employment? No impacts identified
- (e) Distribution and density of population and housing? No impacts identified
- (f) Demands for government services? No impacts identified
- (g) Industrial and commercial activity? No impacts identified
- (h) Utilities? No impacts identified
- (i) Transportation? No impacts identified
- (j) Safety? No impacts identified
- (k) Other appropriate social and economic circumstances? No impacts identified

**2. *Secondary and cumulative impacts on the physical environment and human population:***

Secondary Impacts Secondary impacts have not been identified at this time

Cumulative Impacts Cumulative impacts have not been identified at this time

**3. *Describe any mitigation/stipulation measures:***

None identified at this time

4. ***Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:***

No reasonable alternatives have been identified at this time.

### ***PART III. Conclusion***

1. ***Preferred Alternative:*** No alternatives have been identified at this time.
2. ***Comments and Responses:*** No comments or responses have been received at this time.
3. ***Finding:***  
Yes\_\_\_ No\_\_\_ *Based on the significance criteria evaluated in this EA, is an EIS required?*

*If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:* An EA is appropriate for this project

*Name of person(s) responsible for preparation of EA:*

*Name:* Porter Dassenko

*Title:* WRS

*Date:* 3/23/2007